



COMMUNITY DEVELOPMENT DEPARTMENT

17555 Peak Avenue Morgan Hill CA 95037 (408) 779-7247 Fax (408) 779-7236
Website Address: www.morgan-hill.ca.gov

PLANNING COMMISSION MEETING MINUTES

REGULAR MEETING

JULY 11, 2006

PRESENT: Acevedo, Koepp-Baker, Benich, Davenport, Escobar, Lyle, Mueller

ABSENT: None

LATE: None

STAFF: Community Development Director (CDD) Molloy Previsich, Business and Assistant and Housing Services Director (BAHSD) Toy, Planning Manager (PM) Rowe, Contract Planner (CP) Bischoff, and Minutes Clerk Johnson.

Chair Benich called the meeting to order at 7:01 p.m.

DECLARATION OF POSTING OF AGENDA

Minutes Clerk Johnson certified that the meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

OPPORTUNITY FOR PUBLIC COMMENT

With no members of the audience indicating a wish to address matters not on the agenda, the time for public comment was closed.

MINUTES:

JUNE 13, 2006

COMMISSIONERS MUELLER/ACEVEDO MOTIONED TO APPROVE THE JUNE 13, 2006 MINUTES WITH THE FOLLOWING CORRECTIONS:

Page 2, paragraph 9, line 9:coverage hole

Page 11, paragraph 5: *over-all the project requires one (1) less unit than allocated and that therefore one (1) unit could be reassigned to some other project.*

THE MOTION CARRIED BY THE FOLLOWING VOTE: AYES: ACEVEDO, KOEPP-BAKER, BENICH, DAVENPORT, LYLE, MUELLER; NOES: NONE; ABSTAIN: ESCOBAR; ABSENT: NONE.

PLANNING COMMISSION MEETING MINUTES

JULY 11, 2006

PAGE 2

PUBLIC HEARING:

1) PUBLIC HEARING REGARDING ADOPTION OF HOUSING ELEMENT UPDATE This is a City-initiated request to adopt a new Housing Element of the General Plan. The proposed Element represents a comprehensive statement of the City's current and future housing needs and proposed actions to facilitate the provision of housing to meet the needs of all income levels. The Element has been prepared in such a way as to meet the requirements of State law and local housing objectives. A Negative Declaration, finding no significant negative effects on the environment as a result of adoption of the Element, is proposed to be adopted for this project.

CP Bischoff presented the staff report, indicating that the public hearing on this item had been continued from the Commission's June 27 meeting. He advised the Commission that additional draft changes were proposed and that those changes are shown on a handout provided to each Commissioner that evening. CP Bischoff recommended approval of the Housing Element with the additional changes provided. He indicated that the approval resolution authorized staff to make additional changes to Appendix B of the Element, the Housing Needs Assessment, without further Commission review.

Responding to a question from Commissioner Koepp-Baker regarding housing for persons with disabilities, BAHSD Toy indicated that the City, through its Redevelopment Agency, had provided funds to Community Solutions to remodel and upgrade its domestic violence shelter. He further explained that the Agency has also provided funding to the Emergency Housing Consortium for its shelter in San Martin.

Commissioner Escobar, addressing the issue of providing 'reasonable accommodation' to persons with disabilities, indicated that it is his experience that the accommodation needs to be 'effective' as well as 'reasonable'.

Considerable discussion ensued regarding the State's request that the City add an Action to the Element that would commit the City to placing before the voters an amendment to Measure C should the City be unable to provide its ABAG-assigned 'fair share' housing allocation. CP Bischoff indicated that no impediments exist that would preclude the City from meeting its 'fair share' for the current Housing Element planning period.

Chair Benich opened the public hearing. With no persons present indicating a wish to speak to the matter, the public hearing was closed.

Commissioner Lyle said that the Element should be modified to clarify where secondary dwelling units are allowed. He also recommended that an Action be added that would have the City address the current density and height limitations in the CC-R district.

Commissioner Mueller recommended that the Housing Element only be amended to address issues raised by the State. He expressed concern that additional changes by the City might cause the State to require additional changes, as well. Others shared the concern while arguing the importance of evaluation of all potential issues.

CDD Molloy Previsich advised that in her experience of working with Housing

PLANNING COMMISSION MEETING MINUTES

JULY 11, 2006

PAGE 3

Elements, it is beneficial to give specific examples of the programs currently in place and being proposed in the document. She agreed that the suggestion Commissioner Lyle made of inclusion of those in-place programs could be presented in a 'better light'.

Considerable discussion ensued regarding the State's request that the City add an Action to the Element that would commit the City to placing before the voters an amendment to Measure C should the City be unable to provide its ABAG-assigned 'fair share' housing allocation. Several comments and suggestions were made regarding the specific language of that Action, including; discrepancies in prior year numbers for 'fair share' housing needs; vote in 2004 which reflects intent to meet needs; concern of State asking for commitment to future; and staff's belief that the State would have a difficult time requiring modification for current planning period.

Turning to another matter, Commissioner Lyle suggested a section of the Housing Needs Assessment (page B2 of the summary, 1st paragraph) be amended, as it cause ABAG to increase the City's 'fair share' in the next Housing Element update. He pointed out other statements dealing with employment availability which could be cause for concern, as well. This elicited extensive discussion, with concerns being raised as to changing a document which had been thoroughly reviewed by the State. Ultimately, the Commissioners agreed that changes to the document, except for those referenced by CP Bischoff, should not be made.

The Commissioners discussed with staff the possibility of adjustment of the population baseline numbers in the next Housing Element update.

COMMISSIONERS MUELLER/ESCOBAR MOTIONED TO RECOMMEND APPROVAL OF THE NEGATIVE DECLARATION TO THE CITY COUNCIL. THE MOTION PASSED WITH THE UNANIMOUS AFFIRMATIVE VOTE OF ALL COMMISSIONERS PRESENT; NONE WERE ABSENT.

COMMISSIONER MUELLER MOVED FOR APPROVAL OF THE RESOLUTION RECOMMENDING CITY COUNCIL APPROVAL OF THE UPDATE OF THE HOUSING ELEMENT OF THE GENERAL PLAN, APPLICATION GPA-01-09, INCLUDING THE CHANGES DISTRIBUTED AT THE MEETING AND A CHANGE TO THE ACTION REGARDING THE ABAG 'FAIR SHARE' HOUSING ALLOCATION. NOTING THE FINDINGS AND CONDITIONS WITHIN THE RESOLUTION, COMMISSIONER ESCOBAR PROVIDED THE SECOND. THE MOTION CARRIED BY THE FOLLOWING VOTE: AYES: ACEVEDO, KOEPP-BAKER, BENICH, DAVENPORT, ESCOBAR, LYLE, MUELLER; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.

2) ZA-06-10: An amendment to Title 18, Chapter 18.47 of the Morgan Hill Municipal Code, **CITY OF M.H.-TEXT** amending the Density Bonus provisions for affordable housing to be consistent with the **AMENDMENT TO** State Density Bonus Law as set forth in Section 65915 of the California Government Code. A further amendment is also proposed under Chapter 18.55 of the Municipal **CHAPTER 18.47,** Code, eliminating the Conditional Use Permit requirement and eliminating the local **AFFORDABLE** street standards for secondary dwelling units. **HOUSING BONUSES** **AND OTHER** **INCENTIVES AND** PM Rowe gave the staff report, indicating this is basically a continuation of agenda

PLANNING COMMISSION MEETING MINUTES

JULY 11, 2006

PAGE 4

**CHAPTER 18.55,
SECONDARY
DWELLING UNITS**

item 1. "These changes to Municipal Zoning will bring the City Zoning Code into compliance with the California Government Code," he explained. This is necessary to insure the State's certification of our Housing Element. PM Rowe then called attention to specific changes and items within the presented document. He went on to explain that because affordable housing in Morgan Hill is accomplished through Measure C, and given that further changes in the State's density bonus provisions are pending in the state legislature, staff recommended that the local density bonus provisions be repealed and that the City adopt the State provisions by reference. PM Rowe also explained the necessity of striking the conditional use permit requirement linking to secondary housing.

Responding to a question from Commissioner Davenport, PM Rowe explained the requirements of secondary housing, e.g., there must be complete independent living accommodations, with the size of the units based on differing lot sizes. He also advised that the dwelling can be attached or detached and told of the requirements for detached housing designs.

In reviewing the staff report, the Commissioners discussed the expanded language basis for affordable rents, with PM Rowe explaining the changes.

Chair Benich opened the public hearing; then closed the hearing, as no persons indicated a desire to speak to the matter.

Commissioner Mueller explained that scoring housing allocation awards would not be affected, as scoring is based on the requirements of Measure C.

PM Rowe spoke to the matter of City parking requirements for secondary dwellings.

COMMISSIONER MUELLER OFFERED A RESOLUTION, INCLUSIVE OF THE FINDINGS AND CONDITIONS, RECOMMENDING APPROVAL OF AMENDMENTS TO TITLE 18, THE ZONING CODE UNDER CHAPTER, 18.47, THE DENSITY BONUS AND INCENTIVES CHAPTER AND CHAPTER 18.55, THE SECONDARY DWELLING UNIT CHAPTER TO COMPLY WITH THE CALIFORNIA GOVERNMENT CODE: APPLICATION ZA-06-10 WITH MODIFICATION TO THE 'DENSITY SECTION' AS AMENDED BY STAFF. COMMISSIONER ESCOBAR SECONDED THE MOTION, WHICH PASSED AS FOLLOWS: AYES: ACEVEDO, KOEPP-BAKER, BENICH, DAVENPORT, ESCOBAR, LYLE, MUELLER; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.

**3) RECONSIDERATION
OF THE SUMMER
MEETING SCHEDULE**

A request to discuss the possible cancellation of the August 8, 2006 Planning Commission Meeting in place of the previously cancelled August 22, 2006 meeting.

PM Rowe presented the staff report and explaining that there was one item scheduled for the August 8, 2006 meeting (South County Developers and South County Housing joint project). During review of the project, PM Rowe said, staff had identified issues with the proposed berming which might create wetlands, thereby necessitating further CEQA review which would result in the public comment period not being concluded by the August 8 meeting. Because of the Commissioners earlier objections of being asked to take action before the conclusion of the public comment period, staff was suggesting

PLANNING COMMISSION MEETING MINUTES

JULY 11, 2006

PAGE 5

cancelling the August 8 meeting and rescheduling the items to August 22, 2006. PM Rowe noted that the Commissioners had voted to cancel the August 22 meeting, but a decision could be made to reconsider that choice.

Commissioner Lyle expressed concern that if those – and possibly other matters - were delayed to the September 12 meeting, residential developers might run into production trouble with an early on-set of wet weather. PM Rowe was asked to address other projects to be dealt with which could be heard on August 8. Discussion followed regarding timely progression of the project requests and the Commission recommendations to the City Council in consideration of that body's summer schedule.

Chair Benich opened the public hearing.

Jim Schilling, 16060 Caputo Drive, #160, asked the Commissioners to consider having the August 8 meeting and give approval to the joint project pending closure of the public comment period.

Chair Benich closed the public hearing, as there were no others present indicating a wish to address the matter.

Chair Benich conducted a straw vote of the Commissioners regarding the meeting date with the following result:

August 8: Lyle; Escobar (who asked if an alternative date would be possible; it was noted that would present a continuing issue with the lack of closure of the comment period, as well as posting predicaments); Acevedo (who said there might be public concern about wetlands), Koepp-Baker (who was not opposed to a August 22 meeting), and Benich.

Commissioners Davenport and Mueller were opposed and wanted to retain the August 22 meeting, due to the public comment period not being closed.

Having concluded the straw vote, **CHAIR BENICH ANNOUNCED THAT WITH FIVE COMMISSIONERS AGREEING TO MEET ON AUGUST 8, 2006, THE MEETING WOULD BE SET ON THAT DATE.**

ANNOUNCEMENTS: The July 5, 2006 City Council meeting was cancelled.

ADJOURNMENT: Noting that there was no further business to be conducted at the meeting, Chair Benich adjourned the meeting at 8:17 p.m.

MINUTES PREPARED BY:

JUDI H. JOHNSON, Minutes Clerk